

FILED
U.S. DISTRICT COURT

2005 AUG -8 P 4:53

DISTRICT OF UTAH

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Attorneys for Defendant HSN Improvements, LLC

IN THE UNITED STATES DISTRICT COURT, DISTRICT OF UTAH
CENTRAL DIVISION

AMERITRADE INTERNATIONAL,	:	
INC., a Utah Corporation and CRAIG D.	:	
JONES, a Utah resident,	:	
Plaintiffs,	:	OBJECTIONS TO PLAINTIFFS'
v.	:	PROPOSED ORDER REGARDING
HSN IMPROVEMENTS, LLC, a	:	SUMMARY JUDGMENT
Delaware limited liability company,	:	
Defendant.	:	Judge Ted Stewart
	:	Case No. 2:03CV00459 TS
	:	
	:	

Defendant HSN Improvements, LLC ("IMPROVEMENTS") objects to the proposed order filed by Plaintiffs Ameritrade International, Inc. and Craig D. Jones (collectively referred to as "AMERITRADE") and hereby files its proposed Order regarding summary judgment.

The proposed Order filed by AMERITRADE does not reflect the court transcript of the hearing, and on that basis, IMPROVEMENTS objects. IMPROVEMENTS prepared its own version of the Order to more closely reflect the court's rulings. (A copy of IMPROVEMENTS' proposed Order and a marked-up copy showing changes made to AMERITRADE'S Order are

attached.) For example, the court said that AMERITRADE has standing to sue as a co-plaintiff with the patentee, Craig Jones. This position is supported by the case law relied on by the court concerning patents.

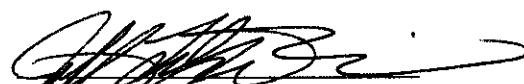
Additionally, AMERITRADE wishes to delete a phrase from the transcript on page 10 of AMERITRADE'S proposed order. The phrase "in viewing the facts in the light most favorable to the Plaintiffs" was omitted from the courts ruling even though the court used this standard and the phrase appeared in the court transcript. Also, IMPROVEMENTS has corrected some typographical errors and syntax.

Accordingly, IMPROVEMENTS requests the court to sign its proposed version of the Order regarding summary judgment.

DATED this 8th day of August, 2005.

HOLME ROBERTS & OWEN, LLP

By:



Thomas J. Rossa, Esq.
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Attorneys for Defendant
HSN Improvements, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 5th day of August, 2005, a true and correct copy of the foregoing **OBJECTIONS TO PLAINTIFF' PROPOSED ORDER REGARDING SUMMARY JUDGMENT** and proposed **ORDER** was served via hand delivery to:

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By Michelle Stephens